

REMARKS/ARGUMENTS

The rejections presented in the Office action dated October 7, 2005 have been considered. Claim 41 has been added. Claims 1-41 are pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1-2, 4-17, 18-23, 25-29 and 30-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,829,474 to *Adachi* (hereinafter “*Adachi*”) in view of U.S. Publication No. 2003/0013434 by *Rosenberg et al.* (hereinafter “*Rosenberg*”). Claims 3, 24, and 34-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Adachi* and *Rosenberg* as applied to claim 1, and further in view of U.S. Patent Publication No. 2002/0154642 by *Hagirahim et al.* (hereinafter “*Hagirahim*”).

Applicants respectfully disagree with the Examiner that rejected claims are obvious in view of the combination of *Adachi* and *Rosenberg*. It is submitted that the Examiner has failed to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness based on a combination of references, three basic criteria must be met, as is set forth in M.P.E.P., §2143:

- 1) There must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- 2) There must be a reasonable expectation of success; and
- 3) The prior art references must teach or suggest all of the claim limitations.

Regarding the third criterion for *prima facie* obviousness, the prior art references do not teach or suggest all of the claim limitations. Each of the independent claims 1, 18, 30, 33, 34, and 38-41 recite in some form that value-added services are directed **from a terminal and/or network infrastructure/system to the loosely coupled service provision infrastructure**. *Adachi*, *Rosenberg* and *Hagirahim* fail to teach or suggest at least these elements.

Applicants' invention, as set forth in claim 1 for example, is directed to a system including a number of terminals, a network infrastructure including a number of network systems, and at least one network-enabled application operating within a service provision infrastructure. The system also includes a network service broker comprising a loosely-coupled interface exposed to a service provision infrastructure. The network service broker is configured to broker added value network services from one or more of the terminals and network systems to the service provision interface.

In claim 18, access by the network applications to the value-added services within the network infrastructures is facilitated by the network service broker interface.

Claim 30 recites a method for facilitating access by the network applications to value-added services provided at least in part by the terminals via the loosely coupled interface.

Claim 33 involves facilitating access by the network applications to the value added services provided by one or both of the terminals and the network infrastructures.

Claim 34 recites facilitating access by the service provision infrastructure to service functionality available from a visited network via a loosely connected visited network broker.

Claims 38 and 39 are directed to a method of providing network applications, operating within a service provision infrastructure, access to service functionality available via a visited network to which the terminal has roamed. Claim 39 further recites facilitating access by the service provision infrastructure to the service functionality available from the visited network via the loosely-coupled interface of the visited network service broker.

Claim 40 involves a network service broker including an interface to access the service functionality of the network infrastructure and a loosely coupled interface exposed to the service provision infrastructure for exposing the service functionality available via the network.

New claim 41 includes the limitation that added value network service information is provided from one or more of a terminal and a network system to the service provision interface.

Thus, each of the independent claims 1, 18, 30, 33, 34, and 38-41 recite in some form that value-added services are directed **from** a terminal and/or network infrastructure/system **to** the loosely coupled service provision infrastructure.

In contrast to Applicants' invention, Adachi recites the provision of services **from** the network application **to** a user terminal. The Examiner points to col. 2, lines 24-41 of Adachi as teaching brokering added-value network services from one or more of the terminals and network systems to the service provision interface. Just the opposite, Adachi clearly states in the next paragraph to this section that the gateway server provides "a unified interface to the terminal such that **the terminal is allowed to gain access to any of the value-added service servers** under a single interface condition." (See, col. 2, lines 42-46, emphasis added) Thus, according to Adachi's approach, value-added services flow from the value-added service servers to the terminal. In contrast, Applicants' claims are directed to facilitating the flow of value-added services from the terminal and/or network infrastructure to the service provision infrastructure via the network service broker. For example, the flow of value-added services from the terminal to the network applications of the service provision infrastructure allows the network application access to the added value "buried in today's mobile network infrastructure, in fixed networks, in network utilizing unlicensed band wireless technologies, and the like." (See Applicants' disclosure page 14 lines 13-16) As a further example, the added value may originate from the network, terminal, or distributed functionality between the network and the terminal." (See Applicants' disclosure page 20, lines 22-23).

Adachi does not teach or suggest providing a system or method that facilitates access by a network application to value-added services accessed from a terminal and/or network system. Adachi further does not teach or suggest a network service broker having a loosely coupled interface to a service provision infrastructure for providing value added services from the terminal or a network system to the network application. Rosenberg does not overcome the deficiencies of Adachi because Rosenberg also fails to teach or suggest at least these elements. Rosenberg teaches systems and methods that allow a wireless device provider to register a wireless device on a network for automatic activation of wireless services on the wireless device. Like Adachi, Rosenberg does not teach or suggest value-

added services are provided from the wireless terminal or network system to a service provision interface.

The Examiner states that Adachi does not teach or suggest a network application operating within a service provision infrastructure and relies on Rosenberg to teach this feature. However, neither Adachi nor Rosenberg teach a network application operating in conjunction with a service provision infrastructure loosely coupled to the network service broker. Both Adachi and Rosenberg fail to teach the loosely coupled interface.

Neither Adachi nor Rosenberg teach or suggest all of the limitations of Applicants' claims 1, 18, 30, 33, 34, 38-41. For example, neither reference describes services provided from the wireless terminal and/or network system to a service provision infrastructure via a network broker, among other limitations. For at least these reasons, independent claims 1, 18, 30, 33, 34, 38-41, and all the claims that depend therefrom are patentable over the asserted combination.

Regarding the first criterion for *prima facie* obviousness, Applicants respectfully assert that the teachings of Adachi and Rosenberg provide insufficient guidance for one of ordinary skill in the art having these references before him/her to make the combination or modification suggested by the Examiner, particularly in view of the failure of either reference to teach value-added services provided to the network application from a terminal and/or network system. Applicants respectfully assert that the Examiner's conclusion of obviousness is, instead, based on improper hindsight reasoning using knowledge gleaned only from Applicants' disclosure. It is a requirement that actual evidence of a suggestion, teaching or motivation to combine prior art references be shown, and that this evidence be "clear and particular." *In re Dembiczaik*, 50 USPQ2d 1614 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of references, standing alone, are not evidence. *Id.*

Regarding the second criterion for *prima facie* obviousness, Applicants respectfully assert that the references cited by the Examiner could not be successfully combined to meet the limitations of Applicants' claims. Successful combination to achieve Applicants' invention is not evident, since Adachi teaches a system whereby services are provided to a terminal by service servers, Rosenberg teaches automatic activation of wireless services for

a terminal, and the combination of Adachi and Rosenberg wholly fails to teach providing value-added services from the terminal or network system to a service provision infrastructure loosely coupled via a network service broker.

Regarding claims 34-40, the Examiner states that neither Adachi nor Rosenberg teach a use authorization voucher or access to a visited network service broker. The Examiner relies on Hagirahim to teach these elements. The Examiner points to paragraphs 15-17 of Hagirahim as teaching the use authorization voucher and access by the service provision infrastructure to the visited network service broker using the address of the visited network service broker. However, the teachings of Hagirahim are silent regarding the use of a network service broker, use authorization vouchers, or accessing the visited network service broker by the service provision infrastructure using the address of the visited network service broker. These elements are not taught or suggested in the section referenced by the Examiner. Hagirahim does not teach a use authorization voucher and only states that the VLR “reports to the HLR whenever the mobile station is operating within the jurisdiction of the PLMN.” Further, there is no teaching with regard to a network broker, or to access to the network broker using an address. Hagirahim does not describe that the service provision infrastructure receives an address of the visited network service broker. Hagirahim further does not teach or suggest using the address to access the visited network service broker.

Because the asserted combination of references fails to teach or suggest several of the above-identified limitations, and because the asserted combination does not provide a sufficient basis to support a reasonable expectation of success or the requisite suggestion or motivation to combine or modify the references in the manner suggested by the Examiner, Applicants respectfully assert that the Examiner has failed to establish *prima facie* obviousness of Applicants’ subject matter recited in independent claims 1, 18, 30, 33, 34, 38-40 and claims 2-17, 19-29, 31-32, and 35-37 which respectively depend therefrom. These claims are patentable over the asserted combination.

It is to be understood that Applicants do not acquiesce to Examiner’s characterization of the asserted art or Applicants’ claimed subject matter, nor of the Examiner’s application of the asserted art or combinations thereof to Applicants’ claimed

subject matter. Moreover, Applicants do not acquiesce to any explicit or implicit statements or conclusions by the Examiner concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, alternative equivalent arrangements, common knowledge at the time of Applicants' invention, officially noticed facts, and the like. Applicants respectfully submit that a detailed discussion of each of the Examiner's rejections beyond that provided above is not necessary, in view of the clear absence of teaching and suggestion of various features recited in Applicants' pending claims. Applicants, however, reserve the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Applicants respectfully assert that the claims are in condition for allowance and request notification to that effect. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact her at 952.854.2700 to discuss any issues related to this case.

Respectfully submitted,
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